

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RONNIE MOORE,

Plaintiff,

Vs.

HOUSEHOLD REALTY CORP.

Defendant.

CASE NO.1:11CV2334

JUDGE CHRISTOPHER A. BOYKO

ORDER

CHRISTOPHER A. BOYKO, J:

This matter is before the Court on Defendant's Motion to Strike Plaintiff's Affidavit of Notice of Failure to Timely Respond and Notary Complaint in Admiralty (ECF # 8). According to Defendant, pro se Plaintiff's Complaint was dismissed on January 9, 2012, for lack of subject matter jurisdiction. Plaintiff subsequently filed his Affidavit of Notice of Failure to Timely Respond and Notary Complaint on March 2, 2012. Plaintiff's filing and its intent are difficult, if not impossible, to decipher. Plaintiff appears to request responses from Defendant to certain unspecified questions dating back to an underlying state foreclosure proceeding. Defendant moves the Court to strike this Notice under Fed. R. Civ. P. 12(f) which states:

f) **Motion to Strike.** The court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. The court may act:

- (1) on its own; or
- (2) on motion made by a party either before responding to the pleading or, if a response is not allowed, within 21 days after being served with the pleading.

Because Rule 12(f) is limited to pleadings, it is not an appropriate vehicle for striking non-pleadings, including motions or notices. See *Porter v. Hamilton Beach/Proctor-Silex, Inc.*, No. 01-2970, unreported, 2003 WL 21946595 *2 (W.D. Tenn. July 28, 2003). Therefore, the Court denies Defendant's Motion. However, the Court does note that Plaintiff's Notice, whatever it purports to be, is of no legal effect since Plaintiff's claims have already been dismissed for lack of subject matter jurisdiction.

IT IS SO ORDERED.

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

April 19, 2012